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REMARKS

In the Final Office Action of November 10, 2004, claims 4-9, 12-15, and 22-27 are pending. Claims 9 and 22 are allowed. Claims 4, 7-9, 12, and 22-26 are independent claims from which all other claims depend therefrom. Claim 4 has been amended to include the limitations originally recited in claim 5. Claim 5 has been canceled. Claim 6 has been amended to depend from claim 4 instead of claim 5.

The following remarks clarify and reiterate Applicants arguments in support of allowance. These amendments and remarks do not present new issues for consideration. Thus, Applicants respectfully request that the amendments be entered because it will place the application in a better condition for appeal, if necessary.

In the previous Responses the Applicants have provided arguments with regards to the failure of the relied upon references, namely Byon (USPN 5,847,472), Okada (2002/0091474), and Otsu (USPN 6,231,075), in teaching or suggesting the limitations of: A.) an indicator electrically coupled to a controller and indicating when a deployment time corresponds with a fault time of an RCM or of an impact sensor; B.) an indicator continuously indicating that an RCM has been on a vehicle that has been involved in a collision, C.) an indicator continuously indicating that an RCM has been on a vehicle that has been involved in a collision, until such time when the RCM is serviced or replaced; D.) an indicator permanently indicating that an RCM has been on a vehicle that has been involved in a collision; E.) an indicator electrically coupled to a controller and indicating when a fault time, of an RCM or of an impact sensor, corresponds with a deployment start time and duration; F.) an unerasable, unresettable, and unoverwritable memory device used in the storing of a deployment start time; G.) a continuous indication of a fault in response to a deployment event utilizing information from an unerasable, unresettable, and unoverwritable memory; H.) a controller storing a deployment end time of a restraint; and I.) a controller storing

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the operating time of an RCM. These arguments as well as additional arguments are provided below.

Note that in response to the previously presented arguments by the Applicants, with regards to A-I above, the Examiner has only stated that "regarding operation time, Byon teaches storing the time in col. 6, line 6 through col. 7, line 2", which is stated in the Response to Arguments section of the Final Office Action. Applicants are not sure what "operation time" the Examiner is referring to in this statement. Applicants assume the Examiner is referring to the operating time of an RCM as recited in claim 24 of the present application and are responding as such. Nevertheless, none of the limitations A-I above are taught or suggested by the relied upon art this is evident in view of the below provided arguments.

Claims 4-6, 12, 14-15, and 23-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Byon (USPN 5,847,472) in view of Okada (2002/0091474). Note that claim 4 now includes the limitations of original claim 5.

Amended claim 4 and claim 12 have similar limitations. Both claims 4 and 12 include the limitation of an indicator. Claim 4 recites that the indicator indicates when a deployment time corresponds with a fault time. Claim 12 recites the storing of a deployment start time, a deployment duration, and a fault time, and signaling the indicator when the fault time corresponds to the deployment start time and the duration.

The RCMs of claims 4 and 12 are capable of determining when a fault time of the RCM or of an impact sensor corresponds with a deployment time, a deployment start time, and a deployment duration and indicating such via an indicator. This information assists a vehicle operator or service attendant in determining whether an impact sensor, a restraint, or an RCM needs to be serviced or replaced. As such, the RCMs of claims 4 and 12 aid in preventing the use of improperly functioning impact sensors, restraints, and RCMs.

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Neither Byon nor Okada teach or suggest an indicator as claimed. Nowhere in Byon or Okada is an indicator shown or suggested. The systems of Byon and Okada are passive in that they store data in a memory, but do not provide any indication of that data. On the other hand, the claimed invention is active in that it specifically indicates the information stored, such that a vehicle occupant or service attendant can readily and visually detect such indication and perform appropriate tasks in response thereto. This promotes the timely servicing and replacing of safety system components when appropriate. In addition, this also provides current status information of safety system components, which may be readily observed by a vehicle occupant and/or provide notice to a purchaser of a vehicle.

Thus, Byon and Okada alone or in combination do not teach or suggest each and every element recited in claims 4 and 12 and the *prima facie* case of obviousness has not been met, as required under 35 U.S.C. 103(a) and as stated in MPEP 2143. Therefore, claims 4 and 12 are novel, nonobvious, and are in a condition for allowance. Since the rejections have been overcome for claims 4 and 12 and since claims 6 and 13-15 depend from claims 4 and 12, respectively, claims 6 and 13-15 are also novel, nonobvious, and are in a condition for allowance for at least the same reasons.

In regards to claims 15, 23, and 26, the Office Actions state that neither of the prior art references teach a memory device that is uneraseable, unresettable, and unoverwritable. Applicants agree. The Office Actions state that it would have been obvious to substitute a storage device for another storage device. Applicants, respectfully, traverse.

As stated in previous Responses, Byon teaches away from the memory devices of claims 15, 23, and 26. Referring to MPEP 2141.02, the prior art must be considered in its entirety, including disclosures that teach away from the claims. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Byon discloses a memory that is preferably erasable and that can be reset or cleared. Okada discloses in paragraph [0038] the

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use of a memory, such as EEPROM. EEPROM stands for Electrically Erasable Programmable Read Only Memory. Nowhere in Byon or Okada is there any suggestion to a memory that is uneraseable, unresettable, and unoverwritable or any single component thereof. Also, throughout both Byon and Okada the ability to erase or reset memory and/or parameters is discussed and preferred.

Also, referring to MPEP 2143.01, although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." See *In re Fritch*, 972 F. 2d at 1260 (Fed. Cir. 1992). Applicants submit that no suggestion or motivation exists within Byon or Okada to use a memory that is uneraseable, unresettable, and unoverwritable. Thus, in view of Byon and Okada it would not have been obvious to utilize the memory device of claims 15, 23, and 26.

Thus, it is not inherent or obvious in view of Byon and Okada to use a memory that prevents the data from being reset, erased, and overwritten. Therefore, claims 15, 23, and 26 are novel, nonobvious, and are in a condition for allowance at least with regards to the nonobvious limitation of a memory device that is uneraseable, unresettable, and unoverwritable.

In regards to claim 24, the Office Actions state that Byon teaches the storing of a deployment end time and refers to col. 6, lines 64-67. As stated in the previous Responses, in col. 6, lines 64-67 and in col. 7, line 1, Byon stores a transmission time of an airbag control signal and an expansion time of an airbag. Byon discloses the time when an airbag is enabled and the time when the airbag is actually expanded or deployed. The storage of an airbag enablement time and an airbag deployment time is not the same as the storage of a deployment end time. The storage of a deployment end time is not disclosed in the stated lines or anywhere else in Byon, and any suggestion that the references disclose or suggest such use is improper hindsight in view of the present application. Thus, claim 24 is also novel, nonobvious, and is in a condition for allowance.

Claim 25 includes the limitation of a controller storing the operating time of a RCM. The Final Office Action states that Byon stores the time in col. 6, line 6

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through col. 7, line 2. Applicants traverse. Although Byon discloses a clock generating device generating a clock signal, the generation of a clock signal is clearly not the same as the storage of an RCM operating time. Although a clock signal is a pulse or a timing signal from which, for example, an operating time may be determined, the simple generation of a clock signal does not teach or suggest the storage of or the determining of an RCM operating time.

In the stated section of Byon, Byon discloses the storage of data, specifically, the storage of the transmission time measured from when a control circuit judges that the expansion of an air bag is necessary and to when the air bag is expanded. The transmission time of an airbag expansion signal is clearly different than the operating time of an RCM. The transmission time of a signal is not the same as the operating time or functioning time of a device.

Nowhere in either Byon or Okada is the operating time of a controller let alone an RCM taught or suggested. Thus, claim 25 is also novel, nonobvious, and is in a condition for allowance.

Claims 7-8, and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Byon in view of Otsu (USPN 6,231,075).

Claims 7-8 and 13 are similar and are therefore discussed together. Claim 7 recites an RCM that includes an indicator that is electrically coupled to a controller. The indicator continuously indicates that the RCM has been on a vehicle that has been involved in a collision, until such time when the RCM is serviced or replaced. Claim 8 recites an RCM similar to that of claim 7, but further recites an indicator that permanently indicates that the RCM has been on a vehicle that has been involved in a collision and does not include the limitation of indicating until such time when the RCM is serviced or replaced. Claim 13 also recites an RCM such as that recited in claim 8, but further includes the indication of when a fault time corresponds with a deployment start time.

The Office Actions state that Byon does not teach an indicator electrically coupled to a controller and the indicator continuously indicating that the RCM

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has been on a vehicle that has been involved in a collision until such time when the RCM is serviced or replaced. Applicants agree. The Office Actions, however, state that Otsu teaches a controller continuously monitoring the waveform of the collision signal provided by the collision sensor after the squib has been initiated would have rendered the continuous indication that the RCM has been on a vehicle that has been involved in a collision until such time when the RCM is serviced or replaced obvious. Applicants traverse.

Applicants submit that continuously monitoring a waveform of a collision signal is not the same as continuously indicating that an RCM has been on a vehicle that has been involved in a collision. Monitoring a signal waveform is unrelated to indicating status of an RCM. Otsu monitors the collision sensor waveform to determine whether a collision has occurred, whereas the RCM of claims 7-8 and 13 indicates that an RCM has been on a vehicle that has been involved in a collision such that the RCM or some other safety related device may be serviced or replaced. Note that the task of monitoring a signal waveform as performed by Otsu occurs prior to a collision event, whereas, the task of indicating the status of a RCM occurs after a collision event. Monitoring a collision signal is clearly and substantially different than the indicating of the status of an RCM. Not only does Otsu not provide the claimed indication, Otsu does not teach or suggest an indicator. As with Byon and Okada, Otsu is also passive in that it only stores information, but does not provide any indication thereof. Thus, neither Byon nor Otsu alone or in combination teach or suggest each and every element of claims 7-8 and 13 and the *prima facie* case of obviousness has not been met. Therefore, claims 7-8 and 13 are novel, nonobvious, and are also in a condition for allowance.

Claim 27 is dependent upon claim 4 and thus is novel, nonobvious, and is in a condition for allowance for at least the same reasons as put forth above with respect to claim 4.

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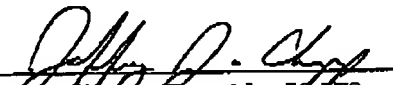
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In light of the amendments and remarks, Applicants submit that all objections and rejections are overcome. The Applicants have added no new matter to the application by these amendments. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, she is respectfully requested to call the undersigned attorney.

Respectfully submitted,

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